

## **REMARKS**

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1, 3, 5-10, 14, 15 and 18 are now present in the application. Claims 1, 3, 14 and 15 have been amended. Claims 2, 4, 11 and 12 have been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-3, 5-11, 14, 15 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumar, U.S. Patent No. 5,970,069, in view of Fukuhara, U.S. Patent No. 6,728,908. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumar in view of Fukuhara, and further in view of Liang U.S. Patent Application Publication No. US 2002/0196853. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumar in view of Fukuhara, and further in view of Tran, U.S. Patent No. 6,145,085. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that this rejection has been obviated and/or rendered moot. As the Examiner will note, independent claim 1 has been amended to incorporate the subject matter of claims 2, 4, 11 and 12. Amended independent claim 1 also recites "a transmission system connected with an independent sub-system of the server for receiving and storing data and commands of the server and for transmitting the data and the commands of the server via the serial port RS232 to the independent sub-system connected to the serial port RS232" and "an I2C bus-switching device on the I2C bus for switching a connection of the control system to the independent sub-system

connected to the I2C bus, thereby transmitting signals on the I2C bus to the independent sub-system via the I2C bus". Applicant respectfully submits that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

Fukuhara discloses that an I2C controller 100 controls data transmission via the I2C bus to the I2C node 120 or via the PCI bus to the peripheral 112. It seems that the Examiner construed the I2C node 120 as the independent sub-system of claim 1. However, the I2C node 120 is only connected to the I2C bus 106. Fukuhara fails to teach that the I2C node 120 is connected to a serial port RS232 for receiving the data transmitted from any system connected to the I2C node 120 via the serial port RS232. Therefore, Fukuhara fails to teach "a transmission system connected with an independent sub-system of the server...for transmitting the data and the commands of the server via the serial port RS232 to the independent sub-system connected to the serial port RS232" and "an I2C bus-switching device on the I2C bus for switching a connection of the control system to the independent sub-system connected to the I2C bus, thereby transmitting signals on the I2C bus to the independent sub-system via the I2C bus" as recited in amended claim 1. In addition, Kumar also fails to teach any independent sub-system connected to both the I2C bus and the serial port RS232 as recited in amended claim 1.

With regard to the Examiner's reliance on Lin and Tran, these references have only been relied on for their teachings related the subject matter of dependent claims 4 and 12. These references also fail to disclose the above combination of elements as set forth in amended independent claim 1. Accordingly, these references fail to cure the deficiencies of Kumar and Fukuhara.

In addition, although the Examiner asserted that it would have been obvious for one skilled in the art to modify Kumar and Fukuhara in view of Liang's UART with an FIFO function (claim 4, now incorporated in claim 1) and in view of Tran's Super I/O (claim 12, now incorporated in claim 1), Applicant respectfully disagrees.

In particular, Liang merely discloses that the AV310 includes two general purpose UARTs with an FIFO connected to communication co-processors (see FIG. 1). However, neither Kumar nor Liang fails to provide the motivation to modify Kumar in view of Liang's UART with an FIFO. Similarly, although Tran discloses a super I/O, neither Kumar nor Liang fails to provide the motivation to modify Kumar in view of Tran's super I/O. Accordingly, it would be impermissible hindsight based on Applicant's own disclosure to incorporate the teachings of Liang and Tran without motivation. In addition, since claims 4 and 12 have been incorporated in amended claim 1, it is believed that one skilled in the art would not have the motivation to modify Kumar in view of Fukuhara, Liang and Tran.

Accordingly, none of the references utilized by the Examiner individually or in combination teach or suggest the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicant respectfully submits that claim 1 and its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are respectfully requested.

### CONCLUSION

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

